
By: **Senators Forehand and Ruben**

Introduced and read first time: February 1, 2006

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverage Violations - Drivers' Licenses and Driving Privileges -**
3 **Suspensions**

4 FOR the purpose of requiring the juvenile court to notify the Motor Vehicle
5 Administration if a child is found to have committed certain alcoholic beverage
6 violations; authorizing the juvenile court to order the Administration, after
7 receiving a certain notice, to suspend for a certain period the driver's license or
8 driving privilege of a child who is found to have committed certain alcoholic
9 beverage violations; requiring a court to notify the Administration if a person
10 under the age of 21 years is found guilty of certain alcoholic beverage violations;
11 authorizing a court to order the Administration, after receiving a certain notice,
12 to suspend for a certain period the driver's license or driving privilege of a
13 person under the age of 21 years who is found guilty of certain alcoholic
14 beverage violations; altering the time at which certain suspensions commence;
15 authorizing a court to pass certain orders concerning alcohol or drug evaluation
16 by the Department of Health and Mental Hygiene and alcohol or drug
17 treatment; requiring the Chief Judge of the District Court to consult with the
18 Chief Judge of the Court of Appeals in establishing certain procedures; making
19 technical and stylistic changes; and generally relating to suspension of a driver's
20 license or driving privilege of a child or adult under the age of 21 years for
21 certain alcoholic beverage violations.

22 BY repealing and reenacting, without amendments,
23 Article - Courts and Judicial Proceedings
24 Section 3-8A-01(a), (d), (f), and (j) and 3-8A-19(e)(3)(i)
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2005 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Courts and Judicial Proceedings
29 Section 3-8A-01(dd) and 3-8A-19(e)(1) and (2)(i)
30 Annotated Code of Maryland
31 (2002 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article - Criminal Law
 3 Section 10-113, 10-114, and 10-119(h)(1) and (2), (j)(1), and (k)
 4 Annotated Code of Maryland
 5 (2002 Volume and 2005 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article - Criminal Law
 8 Section 10-119(f)(2) and (3)
 9 Annotated Code of Maryland
 10 (2002 Volume and 2005 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article - Transportation
 13 Section 16-206(c)
 14 Annotated Code of Maryland
 15 (2002 Replacement Volume and 2005 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Courts and Judicial Proceedings**

19 3-8A-01.

20 (a) In this subtitle the following words have the meanings indicated, unless
 21 the context of their use indicates otherwise.

22 (d) "Child" means an individual under the age of 18 years.

23 (f) "Citation" means the written form issued by a police officer which serves
 24 as the initial pleading against a child for a violation and which is adequate process to
 25 give the court jurisdiction over the person cited.

26 (j) "Court" means the circuit court for a county sitting as the juvenile court.

27 (dd) "Violation" means a violation for which a citation is issued under:

28 (1) ARTICLE 2B, TITLE 19 OF THE CODE FOR WHICH A PETITION
 29 ALLEGING DELINQUENCY IS FILED;

30 [(1)] (2) [§ 10-113, § 10-114, § 10-115, or § 10-116] TITLE 10, SUBTITLE
 31 1, PART II OR PART III of the Criminal Law Article;

32 [(2)] (3) § 10-108 of the Criminal Law Article; [or]

33 [(3)] (4) § 26-103 of the Education Article; OR

1 (5) § 21-903 OF THE TRANSPORTATION ARTICLE.

2 3-8A-19.

3 (e) (1) (i) IN THIS PARAGRAPH, "DRIVER'S LICENSE" MEANS A LICENSE OR
4 PERMIT TO DRIVE A MOTOR VEHICLE THAT IS ISSUED UNDER THE LAWS OF THIS
5 STATE OR ANY OTHER JURISDICTION.

6 (II) [Subject to the provisions of subparagraphs (iii) and (iv) of this
7 paragraph, in] IN making a disposition on a finding that the child has committed
8 [the] A violation [specified in a citation], the court SHALL NOTIFY THE MOTOR
9 VEHICLE ADMINISTRATION OF THE VIOLATION AND may order the Motor Vehicle
10 Administration to initiate an action, under the motor vehicle laws, to suspend the
11 [driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle
12 Administration for a specified period of not less than 30 days nor more than 90 days]
13 DRIVER'S LICENSE OF THE CHILD:

14 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
15 AND

16 2. FOR A SUBSEQUENT OFFENSE, UNTIL THE CHILD IS 21
17 YEARS OLD.

18 [(ii) In this paragraph, "driver's license" means a license or permit
19 to drive a motor vehicle that is issued under the laws of this State or any other
20 jurisdiction.

21 (iii) In making a disposition on a finding that the child has
22 committed a violation of § 10-113 of the Criminal Law Article specified in a citation
23 that involved the use of a driver's license or a document purporting to be a driver's
24 license, the court may order the Motor Vehicle Administration to initiate an action
25 under the Maryland Vehicle Law to suspend the driving privilege of a child licensed to
26 operate a motor vehicle by the Motor Vehicle Administration:

27 1. For a first offense, for 6 months; and

28 2. For a second or subsequent offense, until the child is 21
29 years old.

30 (iv) In making a disposition on a finding that the child has
31 committed a violation under § 26-103 of the Education Article, the court shall order
32 the Motor Vehicle Administration to initiate an action, under the motor vehicle laws,
33 to suspend the driving privilege of a child licensed to operate a motor vehicle by the
34 Motor Vehicle Administration for a specified period of not less than 30 days nor more
35 than 90 days.

36 (v)] (III) If a child subject to a suspension under this subsection
37 does not hold a DRIVER'S license [to operate a motor vehicle] on the date of the
38 disposition, the suspension shall commence[:

1 1. If the child is at least 16 years of age on the date of the
2 disposition, on the date of the disposition; or

3 2. If the child is younger than 16 years of age on the date of
4 the disposition, on the date the child reaches the child's 16th birthday] AS PROVIDED
5 IN § 16-206(C) OF THE TRANSPORTATION ARTICLE.

6 (IV) A COURT MAY ORDER A CHILD WHO COMMITS A VIOLATION:

7 1. TO BE EVALUATED BY THE DEPARTMENT OF HEALTH AND
8 MENTAL HYGIENE TO DETERMINE WHETHER THE CHILD IS IN NEED OF OR WOULD
9 BENEFIT FROM ALCOHOL OR DRUG TREATMENT; AND

10 2. TO COMPLETE ANY ALCOHOL OR DRUG TREATMENT
11 RECOMMENDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

12 (2) In addition to the dispositions under paragraph (1) of this subsection,
13 the court also may:

14 (i) Counsel the child or the parent or both[, or order the child to
15 participate in an alcohol education or rehabilitation program that is in the best
16 interest of the child];

17 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do
18 not apply to a child found to have committed a violation of § 10-108 of the Criminal
19 Law Article.

20 **Article - Criminal Law**

21 10-113.

22 An individual may not knowingly and willfully make a misrepresentation or
23 false statement as to the age of that individual or another to any person licensed to
24 sell alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose
25 of unlawfully obtaining, UNLAWFULLY procuring, or having unlawfully furnished an
26 alcoholic beverage to an individual.

27 10-114.

28 An individual under the age of 21 years may not possess or have under the
29 individual's charge or control an alcoholic beverage unless the individual is a bona
30 fide employee of the license holder as defined in Article 2B, § 1-102 of the Code and
31 the alcoholic beverage is in the possession or under the charge or control of the
32 individual in the LAWFUL course of the individual's employment and during regular
33 working hours.

34 10-119.

35 (f) (2) A person charged who is under the age of 18 years shall be subject to
36 the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

1 (3) A person charged who is at least 18 years old shall be subject to the
2 provisions of this section.

3 (h) (1) Except as provided in paragraph (2) of this subsection, if [the District
4 Court] A COURT finds that a person has committed a Code violation, the court shall
5 require the person to pay:

6 (i) a fine not exceeding \$500; or

7 (ii) if the violation is a subsequent violation, a fine not exceeding
8 \$1,000.

9 (2) If [the District Court] A COURT finds that a person has committed a
10 Code violation under § 10-117 of this subtitle, the court shall require the person to
11 pay:

12 (i) a fine not exceeding \$1,000; or

13 (ii) if the violation is a subsequent violation, a fine not exceeding
14 \$1,500.

15 (j) (1) The defendant is liable for the costs of the proceedings in the
16 [District Court] COURT and for payment to the Criminal Injuries Compensation
17 Fund.

18 (k) (1) In this subsection, "driver's license" means a license or permit to
19 drive a motor vehicle that is issued under the laws of this State or any other
20 jurisdiction.

21 (2) This subsection applies only to:

22 (i) a person who is at least 18 but under 21 years of age; or

23 (ii) a minor if the minor is subject to the jurisdiction of the court.

24 (3) (I) If a person is found guilty of [a Code violation under § 10-113 of
25 this part that involved the use of a driver's license or a document purporting to be a
26 driver's license] A VIOLATION OF ARTICLE 2B, TITLE 19 OF THE CODE, THIS PART OR
27 PART III OF THIS SUBTITLE, § 26-103 OF THE EDUCATION ARTICLE, OR § 21-903 OF
28 THE TRANSPORTATION ARTICLE, the court shall notify the Motor Vehicle
29 Administration of the violation AND MAY ORDER THE MOTOR VEHICLE
30 ADMINISTRATION TO INITIATE AN ACTION UNDER THE MARYLAND VEHICLE LAW TO
31 SUSPEND THE DRIVER'S LICENSE OF THE PERSON:

32 1. FOR A FIRST OFFENSE, FOR NOT MORE THAN 6 MONTHS;
33 AND

34 2. FOR A SUBSEQUENT OFFENSE, FOR NOT MORE THAN 1
35 YEAR OR UNTIL THE PERSON IS 21 YEARS OLD, WHICHEVER PERIOD IS LONGER.

1 (II) IF A PERSON SUBJECT TO A SUSPENSION UNDER THIS
2 PARAGRAPH DOES NOT HOLD A DRIVER'S LICENSE ON THE DATE OF THE
3 DISPOSITION, THE SUSPENSION SHALL COMMENCE AS PROVIDED IN § 16-206(C) OF
4 THE TRANSPORTATION ARTICLE.

5 (III) A COURT MAY ORDER A PERSON WHO IS FOUND GUILTY OF A
6 VIOLATION DESCRIBED IN THIS SUBSECTION:

7 1. TO BE EVALUATED BY THE DEPARTMENT OF HEALTH AND
8 MENTAL HYGIENE TO DETERMINE WHETHER THE PERSON IS IN NEED OF OR WOULD
9 BENEFIT FROM ALCOHOL OR DRUG TREATMENT; AND

10 2. TO COMPLETE ANY ALCOHOL OR DRUG TREATMENT
11 RECOMMENDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

12 (4) The Chief Judge of the District Court, in conjunction with the Motor
13 Vehicle Administrator AND THE CHIEF JUDGE OF THE COURT OF APPEALS, shall
14 establish uniform procedures for reporting [Code] violations described in this
15 subsection.

16 **Article - Transportation**

17 16-206.

18 (c) (1) Pursuant to a court order under § 3-8A-19(e) of the Courts Article OR
19 § 10-119(K) OF THE CRIMINAL LAW ARTICLE, the Administration shall initiate an
20 action to suspend the driving privilege [of a child] for the time specified by the court.

21 (2) [If a child subject to a suspension under § 3-8A-19(e) of the Courts
22 Article does not hold a license to operate a motor vehicle on the date of the court order,
23 the suspension shall commence:

24 (i) If the child is at least 16 years of age on the date of the
25 disposition, on the date of the disposition; or

26 (ii) If the child is younger than 16 years of age on the date of the
27 disposition, on the date the child reaches the child's 16th birthday.

28 (3) On receipt of a notice described under § 10-119(k) of the Criminal
29 Law Article, the Administration shall suspend the license of an individual described
30 under § 10-119(k) of the Criminal Law Article:

31 (i) For a first offense, for 6 months; and

32 (ii) For a second or subsequent offense, until the individual is 21
33 years old or for a period of 1 year, whichever is longer.

34 (4) If an individual subject to a suspension under [paragraph (3) of] this
35 subsection does not hold a license to operate a motor vehicle on the date that the
36 individual is ADJUDICATED TO HAVE COMMITTED OR found guilty of a [Code]

1 violation THAT RESULTS IN A COURT ORDER UNDER § 3-8A-19(E) OF THE COURTS
2 ARTICLE OR § 10-119(K) OF THE CRIMINAL LAW ARTICLE, the suspension shall begin
3 on the date that the license is issued, or after the individual applies and becomes
4 qualified to receive a license, or on the individual's twenty-first birthday, whichever
5 occurs first.

6 [(5)] (3) The Administration may modify a suspension under this
7 subsection or subsection (b) of this section or issue a restricted license if:

8 (i) The license is required for the purpose of attending an alcohol
9 education or alcoholic prevention or treatment program;

10 (ii) The [child or] individual is required to drive a motor vehicle in
11 the course of employment;

12 (iii) It finds that the individual's [or child's] employment would be
13 adversely affected because the individual [or child] has no reasonable alternative
14 means of transportation to or from a place of employment; or

15 (iv) It finds that the individual's [or child's] education would be
16 adversely affected because the individual [or child] has no reasonable alternative
17 means of transportation for educational purposes.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2006.